

134

For vacating the Alley that was
taken off the north end of lots
Nos. 1 to 9 inclusive of Edsall's Add. etc.

Plat approved September 24th 1906

Resolution adopted Sept. 24th 1906

Resolution confirmed Oct. 25th 1906

Cent. Roll of B. & D. approved
Nov. 15th 1906

Cent. Roll of B. & D. confirmed
Dec. 13th 1906

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD.
ROOM NO.2,CITY HALL.

Fort Wayne, Indiana, September 24th, 1906.

DECLARATORY RESOLUTION NO. 134, 1906.

For the vacation of a 12 foot alley that was taken off of the north end of Lots Nos.1 to 9 inclusive of Edsall's and Lot No.11 Wall's Addition, and the 12 foot alley as laid out on the north line of Lot No.10 Wall's Addition; also for the opening of a 12 foot alley through the north part of Lots Nos.1 to 9 inclusive of Edsall's and lot No.11 Wall's Addition, and for the opening of a 10 foot alley through the north part of Lot No.10 Wall's Addition.

Resolved, By the Board of Public Works of the city of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the 12 foot alley that was taken off of the north end of Lots Nos. 1 to 9 inclusive of Edsall's Addition and Lot No.11 Wall's Addition, and the 12 foot alley as laid out on the north line of Lot No.10 of Wall's Addition. Also that it is desired and deemed necessary to open an alley 12 feet in width through the north part of Lots 1 to 9 inclusive of Edsall's Addition, and lot No.11 Wall's Addition, and to open an alley 10 feet in width through the north part of lot No. 10 Wall's Addition. Said opening to be made by condemning and appropriating for alley purposes sufficient parcels of lots and lands described as follows:

A tract of land 12 feet in width being a part of the north part of lots Nos.1,2,3,4,5,6,7,8, and 9 of Edsall's Addition, and lot No.11 Wall's Addition commencing at a point on the west line of Union Street 158.6/10 feet north of the north line of Wall's ~~Street~~ Street, thence west 550 feet to a point on the west line of Edsall's Addition, that is, 164 feet north of the north line of Wall Street, thence north 12 feet, thence east 550 feet, thence south 12 feet to place of beginning. Also commencing at a point on the east line of Union Street 160-1/3 feet north of the north line of Wall Street,

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thence east 82 feet to a point on the west line of Morrell Street, that is, 159-5/10 feet north of the north line of Wall Street, thence north 10 feet, thence west 82 feet, thence south 10 feet to place of beginning. All of the above described lots and lands are located in the S.W.1/4 of the N.W.1/4 of Sec.11, T.30, N.R.12 E., and shown by a plan of such proposed vacating and opening as above described now on file in the office of the Department of Public Works of said city.

The property which may be injuriously or beneficially affected ~~thereby~~, the vacation and opening of said alleys as above described is described as all lots or parcels of land not occupied by streets or alleys lying north of Wall Street, east of the west line of Section 11, T.30, N.R.12 E., south of the north right-of-way line of the Pittsburgh Fort Wayne and Chicago Railway, and west of the west line of Morrell Street, and the west line of Morrell Street produced north to said north right-of-way line.

All of said alleys and lots and lands affected by the vacation and opening of said alleys being situated in the city of Fort Wayne, County of Allen and State of Indiana

Adopted this 24th day of September, 1906

Attest Henry M. Becker
Clerk

E. J. Lamm
Henry Schwab
Jesse Prosser
Board of Public Works.

SEWER-AGREEMENT-DEC. RES. NO 134 - 1906

THIS AGREEMENT, made this 27th day of August 1906, by and between the City of Fort Wayne, by and through its Board of Public Works, party of the first part, and The Pennsylvania ~~Railroad~~ Company, party of the second part, WITNESSETH;

WHEREAS, party of the second part, on the 29th day of June 1906, filed its petition to the Board of Public Works of said City, asking for permission to construct a ^{main} ~~side~~ track from a point opposite the Electric Works, on the right of way of said party of the second part, to a point near the east line of Nelson Street, such track to connect with the third track of said Company, extending west from Nelson Street, and the third track extending east on said right of way from said Electric Works; and,

WHEREAS, there heretofore existed from the west line of ~~Edsall~~ ^{the west line of lot 1 Edsall's add.} Street in said City to Nelson Street, along the south side of the right of way of said party of the second part, a twelve foot alley, in which was located, and is at this time located, a public sewer, constructed by party of the first part, for the purpose of draining the property abutting on said alley, on the south side thereof; and,

WHEREAS, the party of the second part has purchased of said abutting property owners, the real estate on and over which said alley is located, and in which said sewer is situated, and has filed with the Board of Public Works of said City, a petition asking for the vacation of said alley; and,

WHEREAS, said property owners have filed a petition with said Board of Public Works, asking that a new alley be opened up between said points lying ^{on the} ~~immediately~~ ^{12 feet} south of the ~~level so purchased by~~ ¹ right of way of party of the second part, and of the real estate ~~so purchased by them~~ ^{it}; and,

WHEREAS, said party of the first part, by and through its Board of Public Works, is desirous of accomodating the party of the second part, and said abutting property owners, in the vacation of said existing alley, and in the opening of said new alley, ^{without cost to it} but desires to preserve and protect the rights of said City and of said abutting property owners in said existing sewer.

NOW THEREFORE, It is agreed by and between the parties hereto that in consideration of the vacation of said existing alley by the party of the first part, and of the opening of said new alley by said party, the said party of the first part reserves the right to enter at any time the real estate on which said alley is at this time existing, and under which is located said sewer, for the purpose of cleaning and repairing said sewer.

And party of the second part agrees that it will not construct or cause to be constructed, or allow to be constructed, any other track or tracks in such manner as to prevent or interfere with party of the first part from freely getting access to such sewer for the purpose of cleaning or repairing the same, without the written consent of said Board of Public Works, and it is further understood and agreed by the parties hereto, that the persons, whose property abut~~s~~ upon said existing alley as aforesaid, shall forever have the right to use said sewer, as well as the right to, at any time, hereafter, connect their private sewers or drains to and with said existing sewer; and shall have the right and power to enter, for said purpose, at any time, the real estate under which said sewer is located. But the party of the second part shall have the right, if it so desires, to at any time remove said existing sewer from its

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present location, at its own expense, under the supervision of the City Civil Engineer of the party of the first part, provided it lay and construct another sewer with as equal capacity as the present one, under ~~the~~^{such} plans and specifications that may be provided by said engineer, and under the supervision and direction of said Board of Public Works, in and along the new alley so opened by the party of the first part; the cost of the construction of said new sewer, and all connections of private sewers thereto to be born, by the party of the second part.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals this 27th day of August 1906.

The City of Fort Wayne, Ind.

E. J. Linn
Henry Schuyt
Jesse Prosser
By and through its Board of Public
Works.

The Pennsylvania ~~and~~ Company

By J. M. Matting
Its Superintendent.

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Agreement of the
City of Fort Wayne

with the

Pennsylvania R. R. Co.

August 27, 1906

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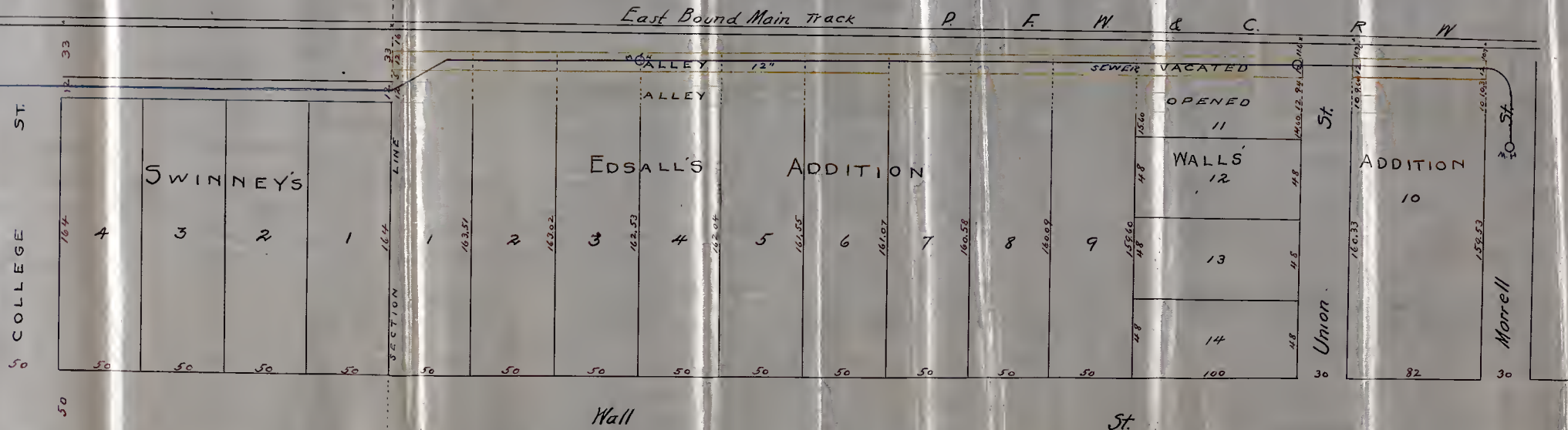
Agreement of the
City of Fort Wayne
with the

Pennsylvania R. R. Co.

August 27, 1904

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PLAN OF THE VACATION AND OPENING OF
ALLEYS THROUGH THE NORTH PART OF
EDSALL'S AND WALL'S ADDITIONS DEC. RES. NO 134
1906



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CHIMNEY

EDWARDS

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PETITION.

Fort Wayne,

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE:

Gentlemen:

The undersigned, owners of real
estate on Wall Street from
Monell Street to Nelson Street

respectfully petition for the passage of a resolution providing for the opening of an Alley
on the South side of the Pennsylvania Rail Road
between the above named points

Julius C. Stephan
George Boerser
E. F. Reutshler
Wm. Kippe

PETITION FOR PASSAGE

of a Resolution for

Opening an Alley

South of the Pennsylvania

Rail Road

from Morrell Street

to Nelson Street

FILED WITH THE BOARD OF PUBLIC WORKS

Aug. 16 1906

Plat ordered Aug 16th 06

DEPARTMENT OF PUBLIC WORKS.

OFFICE OF THE BOARD.

PETER EGGEMAN, CHAIRMAN
P. M. HANDE,
J. K. MCCracken,
A. M. SCHMIDT, CLERK.

FORT WAYNE, August 17th, 1906.

Mr F M Randall,

City Civil Engineer.

Dear Sir:

Please prepare a plat for the vacation of the alley south of the Pennsylvania Railroad tracks from Morrell Street to Nelson Street. Also prepare a plat for the opening of an alley south of the proposed vacated alley between the above mentioned points.

By order of the,

BOARD OF PUBLIC WORKS.

By H. W. Becker
Clerk.